

2. He had two passengers with him, Cindy E. Brito Reyes and Elvin Alcantra Rodriguez. [Munoz Affidavit at ¶ 6; Rodriguez Affidavit at ¶ 5; Reyes Affidavit at ¶ 5; Accident Reports at 7 (Exhibit A to Rozenberg Declaration); Munoz EUO at 21-22 (Exhibit B to Rozenberg Declaration); Rodriguez EUO at 13-16 (Exhibit D to Rozenberg Declaration); Munoz Dep at 69 (Exhibit E to Rozenberg Declaration); Reyes Dep at 44 (Exhibit F to Rozenberg Declaration); Rodriguez Dep at 38-39 (Exhibit G to Rozenberg Declaration).]
3. Munoz was travelling at 35-40 miles per hour, when a sedan passed into his lane. [Munoz Affidavit at ¶ 7; Rodriguez Affidavit at ¶ 8; Reyes Affidavit at ¶ 7; Accident Reports (Exhibit A to Rozenberg Declaration); Munoz EUO at 27-30 (Exhibit B to Rozenberg Declaration); Reyes EUO at 21 (Exhibit C to Rozenberg Declaration); Rodriguez EUO at 20 (Exhibit D to Rozenberg Declaration); Munoz Dep at 73-80 (Exhibit E to Rozenberg Declaration); Reyes Dep at 46-52 (Exhibit F to Rozenberg Declaration); Rodriguez Dep at 41-49 (Exhibit G to Rozenberg Declaration).]
4. In response, Munoz tapped the brakes and slowed down to 33-34 miles per hour. [Munoz Affidavit at ¶ 8; Rodriguez Affidavit at ¶ 9; Reyes Affidavit at ¶ 8; Accident Reports (Exhibit A to Rozenberg Declaration); Munoz EUO at 27-30 (Exhibit B to Rozenberg Declaration); Reyes EUO at 21 (Exhibit C to Rozenberg Declaration); Rodriguez EUO at 20-22 (Exhibit D to Rozenberg Declaration); Munoz Dep at 73-80, 107 (Exhibit E to Rozenberg Declaration);

Reyes Dep at 46-52 (Exhibit F to Rozenberg Declaration); Rodriguez Dep at 41-49 (Exhibit G to Rozenberg Declaration).]

5. That is when Defendant Jason Feinman hit Munoz' car from behind with the Lincoln SUV he was driving. [Munoz Affidavit at ¶ 9; Rodriguez Affidavit at ¶ 10; Reyes Affidavit at ¶ 9; Accident Reports (Exhibit A to Rozenberg Declaration); Munoz EUO at 27-30 (Exhibit B to Rozenberg Declaration); Reyes EUO at 21-22 (Exhibit C to Rozenberg Declaration); Rodriguez EUO at 20-22 (Exhibit D to Rozenberg Declaration); Munoz Dep at 80-90 (Exhibit E to Rozenberg Declaration); Reyes Dep at 46-52 (Exhibit F to Rozenberg Declaration); Rodriguez Dep at 41-49 (Exhibit G to Rozenberg Declaration).]
6. The Lincoln was owned by Feinman's employer, 640 LLC, and Feinman was driving a customer at the time. [See ECF# 10, Answer to Complaint, ¶s 12, 23, 26, 28, 29, 30, 32, and 33 admitted; Munoz Affidavit at ¶ 12; Rodriguez Affidavit at ¶ 13; Reyes Affidavit at ¶ 12; Feinman Dep at 7, 10-13, 15, 19-22, 25-27 (Exhibit H to Rozenberg Declaration).]
7. Plaintiffs all suffered serious physical injuries from the impact. [Munoz Affidavit at ¶ 13; Rodriguez Affidavit at ¶ 14; Reyes Affidavit at ¶ 13; Munoz EUO at 31-57 (Exhibit B to Rozenberg Declaration); Reyes EUO at 24-43 (Exhibit C to Rozenberg Declaration); Rodriguez EUO at 24-43 (Exhibit D to Rozenberg Declaration); Munoz Dep at 107-09, 122-43 (Exhibit E to Rozenberg Declaration); Reyes Dep at 58-80 (Exhibit F to Rozenberg

Declaration); Rodriguez Dep at 49-50, 53-54, 57-75 (Exhibit G to Rozenberg Declaration).]

8. The road conditions were dry and that the weather was clear. [Munoz Affidavit at ¶ 5; Rodriguez Affidavit at ¶ 7; Reyes Affidavit at ¶ 6; Accident Reports at 3 (Exhibit A to Rozenberg Declaration); Munoz EUO at 27 (Exhibit B to Rozenberg Declaration); Reyes EUO at 20 (Exhibit C to Rozenberg Declaration); Rodriguez EUO at 19 (Exhibit D to Rozenberg Declaration); Munoz Dep at 72 (Exhibit E to Rozenberg Declaration); Reyes Dep at 44-45 (Exhibit F to Rozenberg Declaration); Rodriguez Dep at 38 (Exhibit G to Rozenberg Declaration); Feinman Dep at 30 (Exhibit H to Rozenberg Declaration).]
9. The road surface had marked lanes and that while it was dark, the road was lighted. [Munoz Affidavit at ¶ 5; Rodriguez Affidavit at ¶ 7; Reyes Affidavit at ¶ 6; Accident Reports at 3 (Exhibit A to Rozenberg Declaration); Munoz EUO at 28 (Exhibit B to Rozenberg Declaration); Reyes EUO at 20 (Exhibit C to Rozenberg Declaration); Reyes Dep at 44 (Exhibit F to Rozenberg Declaration); Rodriguez Dep at 38 (Exhibit G to Rozenberg Declaration).]
10. No one in either vehicle heard any screeching of tires or honking of horns before the impact. [Munoz Affidavit at ¶ 11; Rodriguez Affidavit at ¶ 12; Reyes Affidavit at ¶ 11; Munoz EUO at 28 (Exhibit B to Rozenberg Declaration); Reyes EUO at 20 (Exhibit C to Rozenberg Declaration); Rodriguez EUO at 20 (Exhibit D to Rozenberg Declaration); Munoz Dep at 89

(Exhibit E to Rozenberg Declaration); Reyes Dep at 51 (Exhibit F to Rozenberg Declaration); Feinman Dep at 32-33 (Exhibit H to Rozenberg Declaration).]

Dated: June 19, 2020

/s/ Zachary Rozenberg
Zachary Rozenberg